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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of: Xu et al.

Confirmation No.: 1781

Application No.: 09/026,459

Group Art Unit: 1632

Filed: February 19, 1998

Examiner: R. R. Shukla

For: MODIFIED RETINOBLASTOMA
TUMOR SUPPRESSOR PROTEINS

Attorney Docket No.: 8660-025

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SECOND SUPPLEMENTAL INFORMATION
DISCLOSURE STATEMENT UNDER 37 C.F.R. §§ 1.56 AND 1.97

Assistant Commissioner for Patents
Box AF
Washington, D.C. 20231

Sir:

In accordance with the continuing duty of disclosure imposed by 37 C.F.R. § 1.56 and § 1.97 to inform the Patent and Trademark Office ("PTO") of all references coming to the attention of each individual associated with the filing or prosecution of the subject application, which are or may be material to the patentability of any claim of the application, Attorneys for Applicants hereby direct the Examiner's attention to the references listed on the attached revised PTO 1449 form entitled "List of References Cited by Applicant."

References A4 and C38 to C49 are listed on the attached revised form PTO 1449. A copy of each of references A4 and C38 to C49 is submitted herewith.

Identification of the submitted references is not to be construed as an admission by Applicants or Attorneys for Applicants that such references are available as "prior art" against the subject application. Consequently, Applicants respectfully decline to use form PTO-1449, since this form identifies all of the references therein as "Prior Art." As an alternative, Applicants submit herewith a "revised PTO Form 1449" entitled "List of References Cited" instead of "List of Prior Art Cited."

Applicants respectfully request that the Examiner review the foregoing references and that the references be made of record in the file history of the application.

Pursuant to 37 C.F.R. § 1.97 since this Information Disclosure Statment is being submitted concurrently with a Request for Continued Examination, no fee is believed due. However, should the Patent and Trademark Office determine otherwise, please charge the required fee to Pennie & Edmonds Deposit Account No. 16-1150. A duplicate of this sheet is enclosed for accounting purposes.

Respectfully submitted,

Date: October 10, 2002

Brian M. Poissant 28,462
Brian M. Poissant (Reg. No.)

By: William Thomann 40,203
William Thomann (Reg. No.)

PENNIE & EDMONDS
1155 Avenue of the Americas
New York, New York 10036-2711
(212) 790-9090